

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MICROSOFT CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 07-090-SLR
)	
ALCATEL-LUCENT,)	
)	
Defendant.)	

**DEFENDANT’S MOTION FOR AN
EXTENSION OF TIME TO RESPOND TO THE COMPLAINT**

Defendant hereby moves for an extension until April 20, 2007 to move, answer or otherwise plead in response to the Complaint filed by plaintiff Microsoft Corporation (“Microsoft”). In support of its motion, the defendant states:

1. Microsoft filed its Complaint on February 16, 2007, alleging infringement of four patents by an entity it called Alcatel-Lucent, a French company¹. Microsoft purported to serve the complaint at the end of February, making a response due no earlier than March 20, 2007.

2. On March 12, 2007, defendant requested from Microsoft an extension of time until April 20, 2007 to respond to the Complaint. Defendant requested that extension so that it can analyze the claims made against it and decide how to respond.

3. On March 13, 2007, Microsoft’s counsel advised defendant’s counsel that it “looks like” the requested extension would be acceptable. The next day, however, Microsoft’s counsel said that it would agree to the extension only “with the understanding that Alcatel will not be contesting service of the Complaint.” Microsoft has declined to agree to the routine

¹ There is no entity called “Alcatel-Lucent.” We assume that Microsoft means to refer to Alcatel Lucent.

extension requested by defendant without that condition. Defendant is investigating the service of process issues and is not willing to agree to condition an extension upon not contesting service of process.

4. There is no basis for Microsoft to hold the routine extension requested hostage to the condition it seeks.

5. Accordingly, defendant requests that the Court grant it an extension of thirty days, until April 20, 2007, to respond to the Complaint. A form of Order is attached hereto.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Jack B. Blumenfeld (#1014)

Jack B. Blumenfeld (I.D. No. 1014)

1201 North Market Street

P.O. Box 1347

Wilmington, DE 19899

(302) 658-9200

jblumenfeld@mnat.com

Attorneys for Defendant

March 16, 2007

RULE 7.1.1. CERTIFICATE

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the plaintiff and that the parties have not been able to reach agreement.

/s/ Jack B. Blumenfeld (#1014)
Jack B. Blumenfeld (#1014)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MICROSOFT CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 07-090-SLR
)	
ALCATEL-LUCENT,)	
)	
Defendant.)	

ORDER

This _____ day of March, 2007, it is hereby ordered that the time in which defendant may move, answer or otherwise respond to the plaintiff's Complaint is extended until April 20, 2007.

United States District Court Judge

CERTIFICATE OF SERVICE

I, Jack B. Blumenfeld, hereby certify that on March 16, 2007, I electronically filed the foregoing document, which will send notification of such filing(s) to the following:

Thomas L. Halkowski, Esquire
Fish & Richardson

I also certify that copies were caused to be served on March 16, 2007 upon the following in the manner indicated:

BY HAND

Thomas L. Halkowski, Esquire
Fish & Richardson P.C.
919 N. Market Street
Suite 1100
Wilmington, DE 19801

BY E-MAIL

Brian R. Nester, Esquire
Jeffrey R. Whieldon, Esquire
Rama G. Elluru, Esquire
William E. Sekyi, Esquire
Fish & Richardson P.C.
1425 K. Street, N.W.
11th Floor
Washington, DC 20005

/s/ Jack B. Blumenfeld (#1014)

Jack B. Blumenfeld (#1014)

jblumenfeld@mnat.com